

RETURNING STAFF TO WORK

CRIMINAL CASES:

- IF THE PROVIDER HAS **NOT** RECEIVED A WRITTEN CASE STATUS REPORT FROM THE INVESTIGATIVE AGENCY (SLED OR LLE), THEN A REQUEST FOR REINSTATEMENT MUST BE SUBMITTED AND APPROVED IN ADVANCE OF THE EMPLOYEE'S RETURN TO WORK. THE PROVIDER MAY DOCUMENT ANY VERBAL FINDINGS ON THE REQUEST FOR REINSTATEMENT, NOTING THE NAME OF THE INVESTIGATOR PROVIDING THE INFORMATION AND THE DATE GIVEN. **[TYPICALLY ANY REQUEST TO RETURN A STAFF TO WORK WILL BE DENIED IF THERE IS NOT SOMETHING FROM THE INVESTIGATIVE AGENCY INDICATING THE CASE STATUS.]**
- IF THE PROVIDER HAS RECEIVED WRITTEN CASE STATUS REPORT FROM SLED OR LLE INDICATING CASE CLOSED AS UNFOUNDED OR UNSUBSTANTIATED AND COMPLETED MANAGEMENT REVIEW, THEN THE DATE THE STAFF WILL RETURN TO WORK MAY BE INDICATED ON THE MANAGEMENT REVIEW (OR IN AN ADDENDUM) AND ANY APPLICABLE DISCIPLINARY ACTIONS OR STAFF TRAINING NOTED. **{AN EMAIL FROM THE INVESTIGATOR STATING THE CASE STATUS WILL SUFFICE.}**

NON-CRIMINAL CASES:

- THE EMPLOYEE MAY RETURN TO WORK ONCE THE ADMINISTRATIVE REVIEW IS COMPLETED TO DETERMINE IF THERE WAS ANY IMPROPER CONDUCT OR IF THERE WERE ANY POLICY/ PROCEDURAL VIOLATIONS. THE DATE THE STAFF WILL RETURN TO WORK MAY BE INDICATED ON THE ADMINISTRATIVE REVIEW (OR IN AN ADDENDUM) AND ANY APPLICABLE DISCIPLINARY ACTIONS OR STAFF TRAINING NOTED.

FOR AN EXPANDED EXPLANATION OF DEFINITIONS AND REPORTING REQUIREMENTS REFER TO DIRECTIVE 534-02-DD. For additional information on how to work within the IMS Portal please click on business tools to view the training videos available.

The SCDDSN, as defined in the South Carolina Code of Law, serves persons with intellectual disabilities, autism, head and spinal cord injury and conditions related to each of these four disabilities.

VISION - WHERE WE ARE GOING!

To provide the very best services to assist all persons with disabilities and their families in South Carolina.

MISSION - WHAT WE DO!

Assist people with disabilities and their families through choice in meeting needs, pursuing possibilities and achieving life goals; and minimize the occurrence and reduce the severity of disabilities through prevention.

VALUES - OUR GUIDING BELIEFS!

Health, safety and well-being of each person; Dignity and respect for each person; Individual and family participation, choice, control and responsibility; Relationships with family, friends and community connections; Personal growth and accomplishments.

PRINCIPLES - FEATURES OF SERVICES AND SUPPORTS

Person-centered and Community Inclusive Responsive, efficient and accountable practical, positive and appropriate strengths-based, results-oriented opportunities to be productive and maximize potential best and promising practices.



SC Department of
Disabilities & Special Needs

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ABUSE, NEGLECT & EXPLOITATION [534-02-DD]



SCDDSN

South Carolina
Department of
Disabilities and
Special Needs



ANE
DEFINITIONS,
REPORTING
&
PREVENTION

What to Report: Any observed or suspected allegations of abuse, neglect or exploitation.

•**Physical Abuse** includes hitting, slapping, Burning, kicking, biting, pinching, actual or attempted sexual assault; use of meds outside the standards of reasonable medical practice; use of a restrictive method or procedure to control behavior except those prescribed by a physician or part of a BSP.



•**Psychological Abuse** includes making threats of harm; intimidation causing embarrassment, fear, humiliation, agitation or other forms of emotional stress. *****NOTE: The DDSN policy for Abuse, Neglect, and Exploitation does not include any incident referred to as "verbal abuse". These incidents are reported as a Critical Incident. Please refer to Critical Incident policy regarding use of profane and disrespectful language towards a person supported.**

•**Exploitation** includes causing or requiring participation in activity or labor that is improper or against the will/wishes of a person supported; unlawful use of funds, assets or property belonging to a person supported; improper use of a Power of Attorney, guardianship for advantage or profit of a person supported; causing a supported person to make purchases for profit or advantage of the seller or another person through undue influence, coercion or swindling.

•**Neglect** is the failure or omission of a caregiver to provide the care, goods, or services necessary to maintain the health or safety of a vulnerable adult including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services. Neglect may be repeated conduct or a single incident which has produced or can be proven to result in serious physical or psychological harm or substantial risk of death. Noncompliance with regulatory standards alone does not constitute neglect. Neglect includes the inability of a vulnerable adult, in the absence of a caretaker, to provide for his or her own health or safety which produces or could reasonably be expected to produce serious physical or psychological harm or substantial risk of death.

Where Do You Make Reports of ANE Allegations?

Adults

- ◆ If incident occurs while supported person is at the Day Program, make the report to DSS.
- ◆ If incident involving an ICF/ID supported person occurs on the agency van in route to the Day Program, make the report to SLED except as noted below.

[If an incident of possible ANE occurs while the supported person is on a home visit or out in the community NOT under direct supervision by DDSN staff, make the report to DSS and NO report to DDSN is required.]

- ◆ All other incidents of possible ANE should be reported directly to SLED—CTH's, SLP's, ICF's CRCF's.

DO NOT make any reports directly to the Ombudsman—SLED will decide if a case should be referred/vetted to the Ombudsman.

Children

- ◆ For children in residential services, report any possible ANE of a person supported age 17 and under to OHAN.
- ◆ For suspected ANE in other locations involving a minor, report to the local DSS Child Protective Services Office.

Reports Made to SLED

SLED is the "gatekeeper" and will decide whether they will accept a report, issue an Intake Report and whether the case will be referred to another investigative agency. **TO MAKE A REPORT TO SLED: CALL TOLL FREE 1-866-200-6066. A report must be made to SLED within 24-hrs. of the event. If SLED accepts a case and issues an Intake report, they will usually fax it to both DDSN and the Provider within 24-36 hours.**

CRIMINAL CASES

•SLED may vet a case to a Local Law Enforcement agency, to the Attorney General's Office or SLED may conduct the investigation themselves.

•If a report is made to SLED and SLED vets a case to DSS and advises the caller to also report the case to LLE, proceed as a criminal case.

•In some instances a report is made by the Provider to DSS and simultaneously to Local Law Enforcement, or DSS advises the Provider at the time the report is made that they will also contact LLE. When either of these occurs, proceed as a criminal case.

NON-CRIMINAL CASES

•SLED may vet(refer) a case to the Ombudsman.

•SLED may accept the report For Information only or For Assessment and issue an Intake report. (An ANE report must still be submitted in these instances.)

[Most of the time, cases reported to DSS will be Non-criminal in nature and LLE will not be involved in the case.]

TYPES OF REVIEWS CONDUCTED/ SUBMITTED

⇒ The Purpose of the Review (whether the case is criminal or non-criminal) is to determine if staff violated any of your agency policy or engaged in inappropriate conduct towards a person supported.

⇒ If the person supported is an ICF/ID resident, the only Review conducted will be the Administrative Review for ICF/ID.

[ADMINISTRATIVE REVIEWS FOR ICF/ID's ARE DUE WITHIN 5 BUSINESS DAYS OF INCIDENT DATE OR DATE REPORTED.]

⇒ For Non-ICF/ID supported persons, an Administrative Review for Improper Conduct will be conducted on Non-criminal cases.

[ALL NON-ICF/ID REVIEWS ARE DUE WITHIN 10 BUSINESS DAYS OF DATE OF INCIDENT OR DATE OF DISCOVERY.]

⇒ For Non ICF/ID supported persons, a Management Review will be conducted on criminal cases.

[YOU CANNOT collect written statements or conduct interviews during the Management Review.]

